

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 42-47 and 59-64 were pending in this application. Claims 43 and 46 have been amended to include the limitations of claim 42. Claims 42 and 47 have been canceled without prejudice to later pursuing them. Applicants submit claims 43-46 and 59-64 for reconsideration.

The Office rejected claims 42 and 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,909,574 (Sedlack). Claims 42 and 47 have been canceled without prejudice to later pursuing them. Thus, this rejection is now moot.

The Office rejected claims 42-47 and 59-64 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,895,095 (Chen) in view of U.S. Patent No. 5,507,558 (Kain). The Office asserts that Chen discloses a child seat in Figure 8. The Office asserts that “Chen shows the use of all the claimed invention but fails to show the use of a seat configured for placement on a seat of the vehicle and wherein the seat has a belt path configured to receive and locate relative to the child lap belt.” The Office asserts that “Kain teaches the use of a child seat (10) configured for placement on a seat of the vehicle and wherein the seat has a belt path (figures 8 and 14) configured to receive and locate relative to the child lap belt.” The Office asserts “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to modify the child seat with a belt path as taught by Kain in order to make sure the child seat is properly secured in the vehicle.”

Each of independent claims 43, 46, and 59-62 recites a “child seat for seating a child within a vehicle.” Claims 43, 46, and 59-62 recite that “the child seat is configured for placement on a seat of the vehicle.” Claims 43, 46, 60, and 61 further recite that “the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle” (dependent claims 63 and 64, which depend from independent claims

59 and 62, respectively, also recite this limitation). The rejection of the claims is clearly erroneous for at least two reasons.

First, Chen does not disclose “a child seat for seating a child within a vehicle,” “wherein the child seat is configured for placement on a seat of the vehicle,” as recited in independent claims 43, 46, and 59-62. Instead, Chen discloses a chair that simply can be used conventionally on a floor surface. The Office fails to state any reason why one skilled in the art would have been motivated to modify the chair of Chen to be a “child seat [that] is configured for placement on a seat of the vehicle.” Indeed, there is no reason, other than hindsight, to modify the conventional chair of Chen in such a manner that it would be configured for placement on a seat of a vehicle.

Second, there would have been no motivation to modify the Chen chair to include “a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle,” as recited in claims 43, 46, 60, 61, 63, and 64. The Office asserts that one skilled in the art would have been motivated to make such a modification “to make sure the [Chen] child seat is properly secured in the vehicle.” Chen, however, does not disclose “a child seat child seat for seating a child within a vehicle,” as explained above. Consequently, there would have been no reason to make modifications to the Chen chair that are intended to ensure that the “seat is properly secured in the vehicle,” as asserted by the Office. Chen is not configured to be placed on a seat of a vehicle and thus there would have been no reason to make modifications intended to improve its use in a vehicle.

Moreover, with regard to independent claim 62, the Office has not shown where Chen allegedly discloses the following features: “wherein the receiving portion includes a flexible tab and a protrusion on the flexible tab” and “wherein the connecting portion includes first and second slots to receive the protrusion, the first and second slots corresponding to the first and second positions, respectively” (emphasis added).

Independent claims 43, 46, and 59-62 thus are patentable over Chen and Kain. Dependent claims 44, 45, 63, 64 are patentable over Chen and Kain for at least the same reasons as claims 43, 59, and 62, from which they depend.

Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is believed that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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